

Regular Meeting

April 25, 2005  
12:30 p.m.

The regular meeting of the Municipal Civil Service Commission convened on Monday, April 25, 2005, at 1:02 p.m. with Priscilla Tyson, Grady Pettigrew and Eileen Paley in attendance.

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*RE: Review and approval of the minutes from the March 28, 2005, regular meeting.*

The minutes were approved as written.

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*RE: Review of the results of the pre-hearing conference for the following appeal:*

1. James Karnes, Jr. vs. Columbus Public Schools, Appeal No. 04-BA- 0024. Maintenance Electrician – 10 day suspension – hearing scheduled for June 13, 2005.

PRESENT: Theresa Lynn Carter, Deputy Executive Secretary

James Karnes, Jr., - Maintenance Electrician, Columbus Public Schools, ten-day suspension. The appeal is on the merits and mitigation. Columbus Public Schools intends to call three witnesses and estimates its case should take two hours. The appellant's attorney intends to call two witnesses and expects his case should take one hour.

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*RE: Rule Revisions.*

No Rule revisions were submitted this month.

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*RE: Review of the Findings and Recommendation of the Trial Board hearing held on February 14, 2005: Yefim Kunis vs. Columbus Public Schools, Appeal No. 04-BA-0003.*

The Commissioners adopted the recommendation of the trial board to disaffirm one of the charges against Mr. Kunis but to affirm the other and to uphold the ten-day suspension by the appointing authority.

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*RE: Request of the Columbus Public Schools to revise the specification for the classification Environmental Systems Technician (Plumber) [Class Code 0481].*

PRESENT: Sue Messina, Columbus Public Schools

Sue Messina presented this request from Columbus Public Schools to revise the specification for the classification Environmental Systems Technician (Plumber) based on a recent detailed job analysis. Pipe-fitting is no longer required for incumbents in this classification and that has been deleted. Other revisions were recommended in order to bring the specification up to date.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission to approve the specification review for the classification Recreation and Parks Director (U) with no revisions (Class Code 0080).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the Commission's request to approve the specification review for Recreation and Parks Director (U) with no revisions as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in October of 2000 and there is currently one employee serving in the classification

As part of this review, a meeting was scheduled with the department to discuss any potential changes to the specification. Upon conclusion of this meeting, it was decided that the current specification adequately describes the work as it currently exists. It was therefore, recommended that the review of the specification for the classification Recreation and Parks Director (U) be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission to approve the specification review for the classification Recreation and Parks Marketing/Fundraising Coordinator with no revisions (Class Code 0786).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the Commission's request to approve the specification review for Recreation and Parks Marketing/Fundraising Coordinator with no revisions as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in September of 2000 and there is currently one employee serving in this classification.

As part of this review, a meeting was scheduled with the department to discuss any potential changes to the specification. Upon conclusion of this meeting, it was decided that the current specification adequately describes the work as it currently exists. It was therefore, recommended that the review of the specification for the classification Recreation and Parks Marketing/Fundraising Coordinator be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission to approve the specification review for the classification Recreation Playground Leader (Seasonal) with no revisions (Class Code 3169).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented the Commission's request to approve the specification review for Recreation Playground Leader (Seasonal) with no revisions as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in August of 2000 and there are currently 202 employees serving in this classification

As part of this review, a meeting was scheduled with the department to discuss any potential changes to the specification. Upon conclusion of this meeting, it was decided that the current specification adequately describes the work as it currently exists. It was therefore, recommended that the review of the specification for the classification Recreation Playground Leader (Seasonal) be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Golf Courses Division Administrator (Class Code 0300).*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Aquatics Supervisor, retitle it to read Aquatics Supervisor (Seasonal) and amend Rule XI accordingly (Class Code 3184).*

PRESENT: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in July of 2003.

As part of this review, staff met with representatives from the Recreation and Parks Department and it was decided that the current specification adequately describes the work as it currently exists. However it was proposed that the classification be retitled to reflect its seasonal designation as defined in the Management Compensation Plan Section 5(F).

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Lifeguard, retitle it to read Lifeguard (Seasonal) and amend Rule XI accordingly (Class Code 3183).*

Present: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request as part of the Commission's effort to review all classifications every five years. This classification was last reviewed in April of 2000.

As part of this review, staff met with representatives from the Recreation and parks Department and it was decided that the current specification adequately describes the work as it currently exists. However it was proposed that the classification be retitled to reflect its seasonal designation as defined in the Management Compensation Plan Section 5(F).

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to create the specification for the classification Performance Management Coordinator, designate the examination type as noncompetitive, assign a 365-day probationary period and amend Rule XI accordingly (Class Code 0847).*

Present: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins, Personnel Administrative Officer, presented this request to create a Performance Management Coordinator classification to be utilized specifically for the Finance Department.

The definition was written to indicate responsibility for the development, implementation and maintenance of performance measurement activities for the City. The recommended examples of work were based on the type of work expected to be

performed by this position including oversees the development, maintenance and tracking of performance measures for all City programs. A guidelines for class use was proposed that would identify this classification as a single position and restrict its use to the Finance Department. The minimum qualifications require possession of a bachelor's degree and five years of professional experience in organizational development, performance management, strategic planning or closely related fields. The knowledge, skills and abilities was recommended to include those statements that would be important for successful job performance. It was further recommended that the examination type be designated as noncompetitive and that the probationary period be assigned 365 days.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to create the specification for the classification Claims Investigator, designate the examination type as competitive, assign a probationary period of 270 days and amend Rule XI accordingly (Class Code 0763).*

Present: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to create a Claims Investigator to fulfill a need in the Sewerage and Drainage Division to have one or more positions dedicated to the investigation of the numerous claims submitted; however it is intended that this classification could be used in any department that has claims investigation work.

The proposed classification's definition was recommended to indicate it is responsible for investigating and disposition of claims filed for or against a City department or division. The examples of work section was based on the duties included on the class specification for Claims Investigator (Class Code 0764) that was abolished in 2000. The minimum qualifications would require possession of a bachelor's degree and one year of experience in property or liability claims handling, fact-finding investigations or customer service work involving billing, payment plans or dispute resolution. A substitution was proposed that would allow additional experience to be substituted for the educational requirement on a year-for-year basis. The knowledge, skills and abilities section was based on the duties included on the classification specification for Claims Investigator (Class Code 0764). It was recommended that the examination type be designated competitive and that the probationary period be assigned 365 days instead of the 270 days indicated by the language shown on the agenda.

A motion to approve the request as amended was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Electricity Load Dispatcher (Class Code 3589).*

Present: Tammy Rollins, Personnel Administrative Officer

Tammy Rollins presented this request to revise the specification for the Electricity Load Dispatcher classification pursuant to a recent request from the Department of Public Utilities that the November 2002 moratorium be lifted on the Electric Switchboard Operator so that they could use that classification. After meeting with Department/Division representatives, it was determined that the Electricity Load Dispatcher classification would fulfill their needs and it was agreed that the Civil Service Commission staff would review the class to ensure it was current.

The definition was revised to describe this classification as the working level and to update some of the terminology from switchboard to switchgear, which is a broader, more encompassing term. There were no proposed revisions to the examples of work. The

minimum qualifications section was revised to delete any reference to the Electric Switchboard Operator classification and to describe the work experience that would be suitable for entry into this classification. In developing the proposed minimum qualifications, other electrical or electricity-related classifications in the City were reviewed to determine if this experience would be appropriate for entry into this classification. A similar review was conducted with other load dispatcher jobs from other agencies and jurisdictions to ensure that these proposed qualifications are comparable to similar jobs. No revisions to the knowledge, skills, and abilities, the probationary period or the examination type were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Fleet Management Division Administrator (Class Code 0272).*

Tammy Rollins presented this request from the Public Service Department that this specification be revised to place more emphasis on management of the division as a business enterprise.

No revision to the definition was recommended. Revisions to the examples of work section of the specification were recommended to place less emphasis on the day-to-day management of operations and greater emphasis on the business related aspects of managing a division. The minimum qualifications section was revised to require possession of a bachelor's degree and five years of management experience to include policy formulation and implementation, management of a budget/operation in excess of \$1 million and direction of a large staff through subordinate supervisors. A substitution was proposed that would allow a master's degree to be substituted for one year of the required experience. Similar change to the knowledge, skills and abilities section of the specification were proposed where more business related knowledges were included. No revisions to the noncompetitive examination type or the 365 day probationary period were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Residency Hearing Review: Craig Brown, Citizen Member, Examining Board of Warm Air Heating Contractors.*

In the matter of Craig Brown, Citizen Member, Examining Board of Warm Air Heating Contractors, the Commissioners reviewed the hearing officer's report that Mr. Brown did not appear for the hearing and did not submit any documentation prior to the Commissioner's meeting. Absent any evidence to the contrary, the Commission found Mr. Brown in violation of the City's residency requirement and decided his payroll will not be certified as of May 8, 2005.

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*RE: Personnel Transactions.  
Request of the Civil Service Commission staff to reallocate position #47-02-00346 in the current Management Analyst II (class code 0780) classification to the Business Systems Analyst (Class Code 0543) classification and allow the affected incumbent, Thomas R. Noorkah, to retain his current classification status and seniority.*

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Administrative/Jurisdictional Reviews.*

*Appeal No. 05-CA-0004 – Review of the appeal of Clyde Bridges regarding the rejection of his application for the Fleet Maintenance Manager examination.*

The Commissioners approved the written recommendation submitted by the Civil Service Commission staff to dismiss Mr. Bridges’ appeal without a hearing. Mr. Bridges’ appeal was based upon his belief that his work experience with Mulch Manufacturing and the fact that he owned his own business should have enabled him to meet the minimum qualifications for the Fleet Maintenance Manager examination. Mr. Bridges was credited with four years of experience based upon his business ownership but still lacked one year of experience necessary to qualify for the examination because on his application Mr. Bridges indicated that he performed grinding and maintenance work which is not equivalent to managing an automotive services operation.

*Appeal No. 05-CA-0005 – Review of the appeal of Tomeka Hopson regarding the rejection of her application for the Human Resources Generalist examination.*

The Commissioners approved the written recommendation submitted by the Civil Service Commission staff to dismiss Ms. Hopson’s appeal without a hearing. Ms. Hopson’s appeal was based upon her belief that the duties she performed as a Human Resources Assistant should have been credited toward the minimum qualifications for the Human resources Generalist examination. The Human Resources Generalist minimum qualifications require a bachelor’s degree and two years of professional human resources experience. Ms. Hopson’s current classification as an Administrative Assistant is a clerical support level position as was her previous classifications of Human Resources Assistant and Clerk Specialist. As such, they do not require the exercise of the higher level skills associated with the Human Resources Generalist classification, and cannot be credited toward the two years required experience.

Applicants Removed Post-Exam		
Name of Applicant	Position applied for	BAR #
William S. Komorowski	Police Officer	05-BR-031
Scott C. Peebles	Police Officer	05-BR-032
Clifford B. Berman	Firefighter	05-BR-033
Tammy L. Yates	Police Officer	05-BR-034
Brent L. Walters, III	Police Officer	05-BR-035
Jason Benton	Firefighter	05-BR-036
Mark T. Needham	Firefighter	05-BR-037
Joseph F. Herban	Firefighter	05-BR-038
Chadwick D. Kendall	Police Officer	05-BR-039
Mark Brooks	Police Officer	05-BR-040
Scott A. Derouaux	Police Officer	05-BR-041
David K. Garner	Firefighter	05-BR-042
Kimberly A. Monroe	Police Communications Technician	05-BR-044

After reviewing the files of William S. Komorowski, Scott C. Peebles, Tammy L. Yates, Mark Brooks and Scott A. Derouaux, the Commissioners decided their names would not be reinstated to the Police Officer’s Eligible List. After reviewing Brent L. Walters’ file, the Commissioners decided his name would be reinstated to the Police Officer’s Eligible List.

The Commissioners deferred making a decision on whether to reinstate Chadwick D. Kendall’s name to the Police Officer’s Eligible List.

After reviewing the files of Clifford B. Berman, Jason Benton, Joseph F. Herban and David K. Garner, the Commissioners decided their names would not be reinstated to the Firefighter’s Eligible List. After reviewing Mark T. Needham’s file, the Commissioners decided his name would be reinstated to the Firefighter’s Eligible List.

The Commissioners reviewed Kimberly A. Monroe’s file and decided her name would not be reinstated to the Police Communications Technician’s Eligible List.

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The Commissioners adjourned their regular meeting at 1:30 p.m. to hear a disciplinary matter.

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*RE: Hearing on the merits of the appeal of Michael Graves, from the action of the Department of Public Safety, Division of Police, discharging him from the position of Police Officer – Case No. 05-CA-0003.doc.*

Commission President Tyson read the following charges and specifications into the record:

**Charge I:** You are hereby charged with violating **Rule of Conduct 1.01 "Obedience to Laws and Ordinances,"** which states, *"Division personnel shall obey the Constitutions of the United States and the State of Ohio and all federal, state, and local laws."*

**Specification I:** On February 22, 2003, you pointed a recovered firearm at the back/head of Anthony D. Goode unnecessarily, while he was handcuffed and kneeling, to elicit information regarding the recovered firearm and causing him to believe you would cause him serious physical harm in violation ORC 2903.21 "Aggravated Menacing."

**Charge II:** You are hereby charged with violating **Rule of Conduct 1.36 "Unbecoming Conduct,"** which states, in part, *"Division personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Division. Unbecoming conduct is behavior that implicitly or explicitly brings the Division into disrepute, reflects discredit upon the individual as a member of the Division, or impairs the operations or efficiency of the Division or the individual."*

**Specification I:** On February 22, 2003, you pointed a recovered firearm at the back/head of Anthony D. Goode unnecessarily, while he was handcuffed and kneeling, to elicit information regarding the recovered firearm and causing him to believe you would cause him serious physical harm in violation ORC 2903.21 "Aggravated Menacing." Your conduct in this situation brought the Division into disrepute and reflected discredit upon you as a member of the Division.

**Charge III:** You are hereby charged with violating **Rule of Conduct 1.15(A)(5) "General Requirements,"** which states, *"Division personnel shall be truthful at all times."*

**Specification I:** On January 20, 2004, while on duty, you were interviewed by Sergeant David Ross of the Internal Affairs Bureau regarding an allegation that you pointed a firearm at Anthony Goode on February 22, 2003. You stated that you did not point a firearm at Anthony Goode. You knew at that time that this statement was not true.

**Specification II:** On April 21, 2004, while on duty, Polygraphist Randal Walker of the Business and Personnel Bureau interviewed you regarding an allegation that you pointed a firearm at Anthony Goode on February 22, 2003 at the Cross Country Inn. You denied ever pointing a gun at Anthony Goode in a ready to fire position. You knew at that time that this statement was not

true.

Appearances and preliminary matters were handled. The witnesses were sworn en masse. Ms. Passmore and Mr. Shamansky gave their opening statements.

Police Officer Bradley Howard Foss – Ms. Passmore called Officer Foss as the City's first witness and President Tyson confirmed he was previously sworn in. Officer Foss was interviewed on direct examination by Ms. Passmore, cross-examined by Mr. Shamansky, was interviewed on re-direct by Ms. Passmore and re-cross by Mr. Shamansky. Officer Foss answered questions from the Commissioners and was excused.

Police Detective Raymond Clouse – Ms. Passmore called Detective Raymond Clouse and President Tyson confirmed he was previously sworn in. Detective Clouse was interviewed on direct examination by Ms. Passmore and answered questions from the Commissioners. Mr. Shamansky did not question this witness.

Police Sergeant Jeffrey Warbis – Ms. Passmore called Sergeant Warbis as the City's next witness and President Tyson confirmed he was previously sworn in. Sergeant Warbis was interviewed on direct examination by Ms. Passmore, cross-examined by Mr. Shamansky, answered questions from the Commissioners and was excused.

Police Chief James Jackson – Ms. Passmore called Chief Jackson as the City's next witness and he was sworn in by President Tyson. Chief Jackson was examined on direct examination by Ms. Passmore, cross-examined by Mr. Shamansky, answered questions from the Commissioners and was excused.

Michael Graves – Mr. Shamansky called appellant Michael Graves as his first witness and he was sworn in by President Tyson. Mr. Graves was interviewed on direct examination by Mr. Shamansky, was cross-examined by Ms. Passmore, answered questions from the Commissioners and was excused.

Commission President Tyson advised the parties that the hearing would be continued to another date when all the parties are available.

The hearing was adjourned at 5:40 p.m.

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Priscilla R. Tyson, Commission President

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May 23, 2005  
Date